

REMARKS

Claims 1-18 are pending. All claims 1-18 are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

Rejection of Claims 1-3, 5, 6, 10, 11, 13, 14, and 18 Under 35 U.S.C. §102(e)

Claims 1-3, 5, 6, 10, 11, 13, 14, and 18 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nassimi.

Independent claim 1 generally recites a wireless headset having a microphone, a voice tube, and an antenna at least partially *integrated within the thickness of the voice tube*, and a transmitter. The thickness is expressly defined in claim 1 as being between an interior and an exterior surface of the voice tube. Independent claim 11 similarly recites a voice tube having a tubular member defining a lumen, and an antenna at least partially *integrated within the thickness of the tubular member*. The thickness is also expressly defined in claim 11 as being between an interior and an exterior surface of the tubular member.

The Examiner rejects the argument that Nassimi fails to disclose that the antenna is integrated within the thickness of the tube and argues that thickness is defined as the dimension through an object as opposed to its length or width. Applicant disagrees. As noted, thickness is expressly defined in both claims 1 and 11 as being between an interior and an exterior surface of the voice tube. Because the voice tube has a lumen (claim 1) or the tubular member (claim 11)

"Thickness," when used with reference to a tube having a lumen (or a tubular member), may mean either (1) "the dimension through an object as opposed to its length or width" as asserted by the Examiner or (2) the thickness of the tubular wall of the tube, i.e., between the interior and exterior surfaces as recited in the claims. However, such ambiguity does not exist in the claims. Specifically, both claims 1 and 11 explicitly recite that "thickness" is "between an interior and an exterior surface" of the voice tube or tubular member. Thus, "thickness" as used in the claims *cannot* be reasonably be read to mean the dimension through the entire tube, i.e., the diameter of the voice tube or the tubular member.

Given that "thickness" refers to the dimension between the interior and exterior surfaces of the voice tube or tubular member, Nassimi does not disclose or suggest the inventions as claimed. In particular, Nassimi discloses an antenna that is merely located on or within the microphone tube, i.e., NOT at least partially integrated within the thickness of the voice tube (or tubular member). For example, Nassimi states "the antenna... may be *located on or within* the

"microphone tube" (Abstract, Paragraph [0018]). See also paragraphs [0025] ("the microphone is *contained* within the microphone tube"), [0028] ("the at least one antenna *runs along* the microphonic tube"), [0037] ("microphone tube 18 may also advantageously *contain* one or more antennae"), [0045] ("antennae may be *hidden within* microphone tube 18.... Antennae may also be *located on* microphone tube 18. *In any case, antennae may run along* a portion or all of the length of microphone tube 18.").

As is evident, Naassimi discloses locating the antenna *on the microphone tube 18* or *inside of the microphone tube 18*, i.e., in the lumen defined by the microphone tube 18. Nowhere does Naassimi disclose or suggest that the antennae be integrated *within the thickness* of the tube (i.e., within the wall of the tube, not merely disposed in the lumen of the tube), as generally recited in each of independent claims 1 and 11.

Withdrawal of the rejection of independent claims 1 and 11 as well as claims 2, 3, 5, 6, 10, 13, 14, and 18 dependent variously therefrom, under 35 U.S.C. §102(e) is respectfully requested.

#### Rejection Under 35 U.S.C. §103

Claims 4, 8, 12, and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nassimi in view of Scott.

Claims 7 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nassimi in view of Pallai.

Claims 9 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nassimi in view of Scott in further in view of Pallai.

However, the addition of the secondary references Scott and/or Pallai does not make up for the deficiencies of Nassimi as discussed above. Thus, claims 4, 7-9, 12, and 15-17, dependent various from independent claims 1 and 11, are also believed to be allowable for at least similar reasons as those discussed above with respect to independent claims 1 and 11. Withdrawal of the rejection of dependent claims 4, 7-9, 12, and 15-17 under 35 U.S.C. §103(a) is respectfully requested.

#### CONCLUSION

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a

telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 50-2315 (Order No. 01-7118).

Respectfully submitted,



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